

REMARKS

## **Status of the Claims**

Claims 1-11 and 32-50 are pending in the present application, Claims 12-31 and 51-69 having been previously canceled, in response to a previous restriction requirement. Claims 1 and 10 have been amended in this Preliminary Amendment to more clearly define the invention.

## Priority Claim

The present invention was filed while U.S. Patent No. 6,488,900 (hereafter referred to as the '900 patent) was copending, and both the '900 patent and the present invention include common inventors. The present invention was developed based on the work resulting in the '900 patent, and a claim to priority in the '900 patent has been made in the present amendment. While this claim to priority has been filed later than is customary (generally such claims are made at the time of filing, or perfected within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application), Rule § 1.78 clearly states that when the later filed patent application was filed before November 29, 2000, those time limits do not apply. Because the present application was filed on October 9, 2000 (i.e., before November 29, 2000), Rule § 1.78 permits such a claim of priority to be made at this time.

## Rejection of Claims 1-8 and 10-11

The Examiner has rejected Claims 1-8 and 10-11 under 35 U.S.C. § 102(e) as being anticipated by Call (the ‘900 patent). The Examiner asserts that the ‘900 patent discloses but does not claim the same invention. The Examiner notes that such a rejection can be overcome by filing a document indicating common inventorship between the present application and the ‘900 patent. While applicants understand that this rejection could be obviated by filing a document asserting common inventorship, applicants do not agree with the Examiner’s conclusion that the present invention was described in the ‘900 patent.

As noted above, the present application has been amended to claim priority in the ‘900 patent, as permitted under Rule § 1.78, thereby making the ‘900 patent unavailable as prior art. Accordingly, the rejection of Claims 1-8 and 10-11 under 35 U.S.C. § 102(e) as being anticipated by the ‘900 patent should be withdrawn.

## Rejection of Claim 9

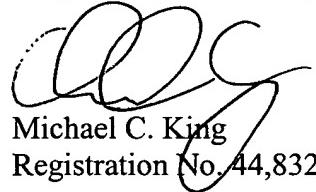
The Examiner has rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over the '900 patent in view of U.S. Patent No. 5,552,051 (Wang). The Examiner asserts that the '900 patent discloses

1 each element of the claimed invention except for a condenser, and that Wang teaches that a condenser can  
2 be used to remove condensable compounds from a gas. The Examiner concludes that it would have been  
3 obvious to include Wang's condenser in the air purifier disclosed in the '900 patent, in order to achieve  
4 the removal of additional contaminants.

5 As discussed in detail above, the '900 patent is no longer available as prior art, and Wang alone  
6 does not teach or suggest each element of the claimed invention. Accordingly, the rejection of Claim 9 as  
7 being obvious over the '900 patent in view of Wang should be withdrawn.

8 In consideration of the preceding remarks and the cancellation of the withdrawn claims, it is  
9 apparent that all claims remaining in the present invention define a novel and non-obvious invention.  
10 Therefore, the Examiner is requested to pass this case to issue at an early date. In the event that any  
11 further questions remain, the Examiner is requested to telephone applicants' attorney at the number listed  
12 below.

13 Respectfully submitted,

14   
15 Michael C. King  
16 Registration No. 44,832

17 MCK/RMA:lrg

18 EXPRESS MAIL CERTIFICATE

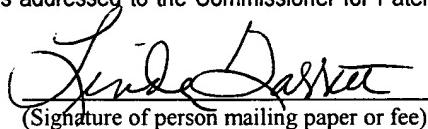
19 Express Mail Label No. EV538088527US

20 Date of Deposit April 6, 2005

21 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee"  
22 service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia  
23 22313-1450.

24 Linda Garrett

(Name of person mailing paper/fee)

  
(Signature of person mailing paper or fee)

25 Enclosures

26 RCE

27 IDS (citing all art from MESO0010)